

# COPY

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## REMARKS

Entry of the foregoing and further and favorable consideration of the subject application are respectfully requested and earnestly solicited.

As correctly stated in the Official Action Summary, Claims 1-17 and 54-57 are pending in the present application. Claims 1-17 and 54-57 are allowable pending correction of the minor typographical errors in Claims 1 and 16 and submission of a supplemental Reissue Oath/Declaration.

By entry of this amendment, original patent Claims 1 and 16 have been amended to correct typographical errors that appeared in the original patent. No new matter has been added.

### *Reissue Oath/Declaration*

On page 2 of the Official Action, the Examiner requires a supplemental declaration based on additional amendments made during the reissue prosecution and because the original declaration no longer alleges an error being corrected.

Applicants submit herewith a Reissue Application Declaration pursuant to 37 C.F.R. § 1.172 signed by a representative of the current Assignee, Elan Pharmaceuticals, Inc. A Statement Under 3.37(b) and a Consent of Assignee is also submitted herewith. Submission of a Oath/Declaration by the current Assignee pursuant to 37 C.F.R. § 1.172 is appropriate because the present reissue application is no longer a broadening reissue. Rather, the present reissue application seeks the original claims, with substantive

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modifications only in dependent claims of the original patent. That is, only dependent Claims 14 and 16 are substantively modified. Claim 14 has been amended during reissue prosecution to depend from the correct parent claim, Claim 13, rather than Claim 12. Claim 16 has been amended during reissue prosecution to delete some members of a Markush group in favor of adding additional dependent claims. While independent Claim 1 has been amended, it was merely to correct a typographical error. Thus, submission of a Reissue Declaration by the Assignee pursuant to 37 C.F.R. § 1.172 is proper.

### *Information Disclosure Statement*

Applicants note that an initialed copy of the PTO-1449 forms submitted with Information Disclosure Statements filed on September 23, 2002, and September 18, 2002, have not yet been returned to Applicants. Applicants respectfully request that the Examiner initial these two PTO-1449 forms and return them to Applicants with the next Official Communication.

### *Conclusions*

From the foregoing, further and favorable action in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.

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In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully requested to telephone the undersigned so that prosecution of the application may be expedited.

Respectfully submitted,

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